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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,918

01/03/2007

Antoine Faucher

0660-1001

5077

466 7590 04/16/2009
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EXAMINER

BALAN, FARLEY

ART UNIT

PAPER NUMBER

4145

MAIL DATE

DELIVERY MODE

04/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,918	Applicant(s) FAUCHER, ANTOINE	
	Examiner FARLEY BALAN	Art Unit 4145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>June 21 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the applicants' communication filed on 01/03/2007. In virtue of this application claims 13-32 are currently presented in the instant application and claims 1-12 are canceled.

Drawings

2. The drawings submitted on 01/03/2007 are reviewed and accepted by the examiner.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information discloser statements (IDS) submitted on 21 June 2006 compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosed therein was considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim 13, 15, 16, 17, 18, 19, 20, 21, 24, 26, 27, 28, 29, 30, 31 rejected under 35 U.S.C. 102(b) as being anticipated by US Publication number 2002/0178163 A1by Mayer.

As to claim 13, 24, limitation, *“A process of communication using at least one mobile device comprising means for communicating via a mobile telephone network and means for accessing to a local wireless network, comprising: a step of recording users' profiles, each having an identifier in at least one database;”* (Mayer discloses: *“if the user has already been registered in the system and, if not, gives him/her a new unique user id”*, Paragraph 81 – Mayer further discloses: *“and or view also the contactee's profile or at least part of it.”*, Paragraph 86 – Mayer further discloses: *“database of users that filled the compatibility questionnaire works”* – Paragraph 83 – Mayer further discloses: *“Cellular phone” or “mobile phone” or “wireless phone” as used throughout the patent, including the claims, can mean any device for communications through wireless*”, Paragraph 38)

As to limitation: *“a step of sending a first request comprising a plurality of parameters and being conveyed by the local wireless network; Mayer discloses: (“cellular phones (or for example palm or other relevant cellular or wireless devices, as explained in the definitions) are able to exchange various queries between them,”* Paragraph 72)

As to limitation: *“a step of sending a second request to a server, the second request comprising at least one identifier and being conveyed via the mobile telephone network; (Mayer discloses: “the user can ask for example that only the devices of blonde girls that are available for dating and within a certain age limits reply. The query is then preferably transmitted by the Bluetooth”,* Paragraph 72)

As to limitation: *“a step of processing the second request by the server by means of a database comprising the users' profiles; (Mayer discloses: “if its user is marked available for dating,*

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and then if he/she fits the definitions, before broadcasting the reply to the question described above (such as is the person available, what is his/her education, what is his/her field of study or work, etc.

Paragraph 72 – It is known by those with ordinary skill in the art that such profile response describe by Mayer is kept in a database and this invention contains a database)

As to limitation: “*and a step of getting a response to the second request from the server and displaying this response on a screen of said mobile device.*” (Mayer Discloses: “*transmitted by the bluetooth (or other short range communication) to all the devices in the vicinity..., ...if its user is marked available for dating, and then if he/she fits the definitions, before broadcasting the reply to the question described above (such as is the person available, what is his/her education, what is his/her field of study or work, etc.,* Paragraph 72 – It is known by those with ordinary skill in the art that a wireless/Bluetooth device communicates to its user via a screen.

Claims 24 is rejected over the same reason as set forth in claim 13, as they recited the same limitation. See rejection about claim 13 above.

As to claim 15, 26: “*The process of claim 13, wherein the second requests is sent after at least one response to the first request is received from another mobile device, through the local wireless network, and includes at least one identifier received in one response to the first request.*” (Mayer discloses: “*First the system checks if the user has already been registered in the system and if not, gives him/her a new unique user id, and or the system can also use for example the id that the user has in the network..., ... If the user hasn't filled the questionnaire already, he is asked to fill it, including,* Paragraph 81)

Claims 26 is rejected over the same reason as set forth in claim 15, as they recited the same limitation. See rejection about claim 15 above

.As to claim 16, 27: *"The process of claims 13, wherein the mobile device sends a signal to the local wireless network permanently."*

According to the specification the above claim can best be describes by the following quote found in the specification of this invention, where the permanently sent message is to communicate with other mobile in the vicinity: *"connection unit 3 of B's mobile device permanently sends a type-P request R1B comprising B's identifier, intended for other mobile devices in the vicinity., Paragraph 141*

(Mayer discloses: *"The query is then preferably transmitted by the bluetooth (or other short range communication) to all the devices in the vicinity that are in range", Paragraph 72*

Claims 27 is rejected over the same reason as set forth in claim 16, as they recited the same limitation. See rejection about claim 16 above

As to claim 17, 28: *"The process of claim 13, further comprising a step of constituting a list of identifiers corresponding to responses to the first request."* Mayer discloses: *"allow the user to get a list of dates which can all be reached immediately by phone, Paragraph 70*

Claims 28 is rejected over the same reason as set forth in claim 17, as they recited the same limitation. See rejection about claim 17 above.

As to claim 18, 29: *"The process of claim 17, further comprising a step of selecting among the identifiers corresponding to the responses to the first request."* (Mayer discloses: *"the user requests that someone be added automatically into his/her contactee list only in cases of especially high matching)*

Claims 29 is rejected over the same reason as set forth in claim 18, as they recited the same limitation. See rejection about claim 18 above

As to claim 19, 30: *"The process of claim 13, wherein the sending of the second request is initiated by an action from the user. (Mayer discloses: "and while checking the new person's data against each relevant potential mate in the system, the server preferably also checks if a condition has been fulfilled, Paragraph 76) – Please note that prior to the user's request, the server has already authenticate that user which means the above is the second request*

Claims 30 is rejected over the same reason as set forth in claim 19, as they recited the same limitation. See rejection about claim 19 above.

As to claim 20, 31: *"The process of claim 13, wherein the sending of the second request is initiated automatically." (Mayer discloses: "Preferably the user can also choose for example if he/she wants to be notified by an e-mail and/or instant message and/or by automatically having the new persons be inserted into his/her list of contactees, Paragraph 76) - Please note that prior to the user's request, the server has already authenticate that user which means the above is the second request from the user.*

Claims 31 is rejected over the same reason as set forth in claim 20, as they recited the same limitation. See rejection about claim 20 above.

As to claim 21: *"The process of claim 13, that is used in a dating service." (Mayer's invention describe the operation of a dating service.)*

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 14, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Publication number US 2002/0178163 A1 by Mayer as applied to claim 13 and 24 above, and further in view of Publication number US 2001/0056354 A1 by Feit et al

As to claim 14, 25: *"The process of claim 13, wherein the two requests are sent simultaneously by the mobile device."* (Mayer discloses: *"the user can ask for example that only the devices of blonde girls that are available for dating and within a certain age limits reply. The query is then preferably transmitted by the Bluetooth"*, Paragraph 72)

Mayer does not disclose the a re quest sent simultaneously by the mobile.

Feit discloses: *"user (i.e., a client or subscriber) to employ a communications network (e.g., the Internet, a WAN, a LAN, a wireless network, a traditional telephone network, etc.) to simultaneously request multiple subscriptions,"* – Paragraph 7

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Feit as to simultaneously request multiple

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subscriptions in to the invention of Mayer. The motivation would have been as follow: *“to access an integrated user interface over a wireless network,”* Feit, Paragraph 10

Claims 25 is rejected over the same reason as set forth in claim 14, as they recited the same limitation. See rejection about claim 14 above

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Publication number US 2002/0178163 A1 by Mayer as applied to claim 13 above, and further in view of Patent number US 6,317,649 B1 by Tedesco et al

As to claim 22, (*“The process of claim 13, that is utilized in a neighborhood vending service.”*) Mayer does not discloses the utilization of a vending machine within the context of claim 13

(Tedesco discloses: *“offer registration process 800, shown in FIGS. 8A and 8B, facilitates the entry of new offers by an operator of vending machine. The offer registration process 800 can be executed remotely, for example, from a central server (not shown) or by an operator when a vending machine 100 is restocked.* – Column 8 Line 2-8)

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Tedesco as to the use of a vending machine in to the invention of Mayer. The motivation would have been such that the vending machine can receive request to enter new record corresponding to new offer. Tedesco, Paragraph 8, Line 17-25

11. Claim 23 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Publication number US 2002/0178163 A1 by Mayer as applied to claim 13 and 24above, and further in view of Publication number US 2001/0036224 A1 by Demello et al

As to claim 23, 32 *"The process of claim 13, further comprising a step of identifier conversion in order to make telecommunications operator's identifiers compatible with the identifiers recorded in said database comprising the users' profiles."* (Mayer discloses: "user's computer and on our servers(s) on the Internet in a static database of all users who filled the questionnaire", Paragraph 80)

Mayer does not disclose the notion of an identifier conversion

Demello discloses: *"The encryption includes: storage of encryption keys, look-up tables for identifier conversion, and encryption methods."*, Paragraph 92

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Demello as to the identifiers record protection in to the invention of Mayer. The motivation would have been such that the collection of user data may be identified by mobile ID number. Demello, Paragraph 105

Claims 31 is rejected over the same reason as set forth in claim 23, as they recited the same limitation. See rejection about claim 23 above.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARLEY BALAN whose telephone number is (571)270-3195. The examiner can normally be reached on Monday through Friday 7:30 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abul Azad can be reached on 571-272-7599. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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